

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHERYL KLAVER,

Plaintiff,

v.

No. 1:23-cv-815 JHR/KRS

VIAJES Y YATES, LLC.

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiff initiated this action on September 21, 2023. (Doc. 1). On October 17, 2023, Plaintiff filed an Affidavit of Service stating that Defendant was served on September 26, 2023. (Doc. 2). No answer or other responsive pleading has been filed by Defendant. Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward.”). More than ninety days have passed since Plaintiff took any step to move this case forward.

IT IS THEREFORE ORDERED that **on or before January 31, 2024**, Plaintiff must provide the Court with a written explanation showing good cause why this case should not be dismissed for failure to prosecute.



KEVIN R. SWEAZE

UNITED STATES MAGISTRATE JUDGE